

REMARKS

After entry of the present Amendment, claims 1 and 4 remain in the application with claim 1 in independent form. Claims 2, 5, 6, 8, and 10 have been cancelled as directed to unelected groups that were subject to the Restriction Requirement. Claims 3, 7, and 9 have been withdrawn, subject to possible rejoinder as set forth in additional detail below.

Original claims 1-10 stood subject to a restriction requirement. More specifically, the Examiner restricted the application to one of the following inventions:

- Group I claim(s) 1, drawn to compounds classified in class 564.
- Group II claim(s) 2, drawn to compounds classified in class 546.
- Group III claim(s) 3 and 4, drawn to a method of making the compounds of group I.
- Group IV claim(s) 5 and 6, drawn to a method of making the compounds of group II.
- Group V claim(s) 7 and 9, drawn to a method of treating surfaces using the compounds of group I.
- Group VI claim(s) [7]8 and [9]10, drawn to a method of treating surfaces using the compounds of group II.

The Applicants note that the Examiner likely meant to include claims 8 and 10 in Group VI because 7 and 9 are redundant with Group V and claims 8 and 10 are drawn to the scope indicated by the Examiner. In response to this restriction, the Applicants provisionally elect Group I, thereby retaining claim 1.

The Applicants respectfully traverse the separate grouping of claim 4, and respectfully assert that claims 1 and 4 do not represent independent and distinct inventions as required for the Examiner to separately group these claims. See MPEP 802 and 35 U.S.C. 121. Claims 1 and 4 are related as process of making and product made, and the criteria for establishing proper restriction in this situation is set forth in MPEP 806.05(f). In particular, to establish proper restriction of such claims, the Examiner must prove that the inventions are distinct by showing either:

A) that the process *as claimed* is not an obvious process of making the product and the process *as claimed* can be used to make another materially different product; or

B) that the product *as claimed* can be made by another materially different process.

Because claim 4 merely claims a method of manufacturing the product of claim 1, the Applicants respectfully assert that neither A) nor B) can be shown. Therefore, the Applicants respectfully request the Examiner to reconsider the separate grouping of claims 1 and 4. Should the Examiner determine that claims 1 and 4 are properly grouped together, the Applicants elect such grouping.

As set forth above, claims 3, 7, and 9 have been withdrawn. While the Applicants do not traverse the separate grouping of these claims from claims 1 and 4, the Applicants respectfully request that the Examiner consider rejoinder of these withdrawn claims should the product claimed in claim 1 be allowed. The Applicants respectfully assert that rejoinder is proper for claims 3, 7, and 9, should claim 1 be allowed because claim 3 is related to claim 1 as a process claim that claims a method of manufacturing the product of claim 1 (see MPEP 806.05(f), in the Examiner's Note), and claims 7 and 9 are related to claim 1 as process of use claims using the product claimed in claim 1 (see MPEP 806.05(h), in the Examiner's Note).

The Examiner has also requested that the Applicants elect a species for examination should no generic claim be held allowable. The Applicants, having elected group I to prosecute, elect the nitrogen-containing organosilicon compound disclosed in Example 1 as the species for examination. Claims 1 and 4 are generic to the elected species.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to our Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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/Christopher S. Andrzejak

Christopher S. Andrzejak, Registration No. 57,212

The Pinehurst Office Center, Suite 101

39400 Woodward Avenue

Bloomfield Hills, Michigan 48304-5151

(248) 723-0438